

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-2016-02

ORDER ON ENTRY OF PARTIAL DEFAULT & RELATED MOTIONS

The Plaintiffs' Motion for Sanctions against Defendant Paul A. Kelley is GRANTED, in part. It is ORDERED that partial default is entered against Defendant Paul A. Kelley as a sanction for his failure to comply with his discovery obligations in this case and related orders of the court. It is ORDERED that Defendant Kelley shall be prohibited from seeking discovery in this matter; from filing any additional motions in this matter; and from presenting any witnesses or testimony at any trial or evidentiary hearing. Defendant Kelley will be allowed to cross-examine any witnesses presented by others at any trial or evidentiary hearing. The court declines to enter full default establishing Defendant Kelley's liability in this matter. At trial, the Plaintiffs will have to present evidence establishing not only their damages but also which defendant or defendants caused the claimed damages. Any pending motions filed by Defendant Kelley are also DENIED as a sanction for his failure to comply with his discovery obligations and related orders of the court.

The Plaintiffs' Rule 36 Motion is GRANTED. The responses of Defendants Kelley, Smith, and Aquafortis were insufficient and contrary to the Rules of Civil Procedure. The facts are deemed admitted by the three defendants and it is ORDERED that these three defendants may not object to the genuineness of the documents at issue.

The Plaintiffs' Motion to Stay Scheduling Order is GRANTED.

The requirement for the parties to participate in ADR in this matter is waived.

The Plaintiff's Motion for *Ex Parte* Attachment and Trustee Process is DENIED. The court's entry of partial default has not established liability against any of the named defendants.

The bankruptcy filing of Defendant Pleasant Pond Mill LLC remains pending. The court does not intend to schedule a trial in this matter before the bankruptcy is resolved, unless the Plaintiffs move to dismiss their claims against Defendant Pleasant Pond Mill LLC. In any case, due to the court's limited trial schedule, a trial will not be conducted in this matter before February 2018. The clerk is directed to schedule a one-hour status conference in this matter on December 4, 2018.

The Clerk is directed to incorporate this Order by reference into the docket for this case, pursuant to Rule 79(a), Maine Rules of Civil Procedure.

Dated: August 22, 2017



JUSTICE, MAINE SUPERIOR COURT
Daniel Bullings

SUPERIOR COURT
CIVIL ACTION
Docket No. CV-2016-02

ORDER ON PENDING MOTIONS

1

The Clerk is directed to incorporate this Order by reference into the docket for this case, pursuant to Rule 79(a), Maine Rules of Civil Procedure.

Dated: July 5, 2016



JUSTICE, MAINE SUPERIOR COURT
Daniel I. Billings